

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 60312

Maryland Marina and Yacht Sales
3501 Red Rose Farm Road
Baltimore, MD 21220

3515 Red Rose Farm Road (A,B,C)

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on November 1, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-6-105, 35-6-112: Respondent has not obtained a rental housing license for rental property known as 3515 Red Rose Farm Road (A, B, C), 21220.

On November 24, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Kathleen O'Donnell issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified; Wayne Miskiewicz, General Manager and Kathy O'Donnell, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 5, 2009 requiring application by June 15, 2009.

B. A Citation was issued on July 13, 2009 for failure to obtain required Rental Housing License. The Citation was not enforced because Respondent was undertaking required inspections and making efforts to comply. This Citation was issued on November 24, 2009.

C. Inspector Kathy O'Donnell testified that Respondent has not been able to pass the state-required lead paint inspection and cannot qualify for a County Rental Housing License.

D. Wayne Miskiewicz, General Manager of the property owner Maryland Marina and Yacht Sales, testified that after making \$3,500.00 in required electrical system repairs they learned that the property failed lead paint inspection. The house has 22 rooms, divided into three apartments, and abating the lead paint is cost prohibitive. The tenants were notified that they have to vacate their apartments and the building has to be closed. The tenants were given 30 days notice and relieved from their rent payments, but one tenant who had agreed to leave has now refused to vacate. He has not paid rent since July. The property owner has begun the legal eviction process for a tenant holding over.

E. Baltimore County law requires landlords to obtain a valid Rental Housing License before a residential property may be rented. Respondent has been given significant time extensions and has not obtained a license or ceased occupancy of the rented property. However, review of the file and the testimony shows that Respondent has made significant efforts to cease occupancy, including canceling rent obligations for current and former tenants, and that Respondent filed suit in District Court on November 25, 2009 to evict the remaining tenant. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected by January 11, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 14th day of December 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

